



IPW

PATENT

Attorney Docket No.: 1830CONDIVCON3(203-1742CONDIVCON3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sherts et al.

Examiner: Not Assigned

Serial No.: 10/810,084

Group: Art Unit 3732

Filed: March 26, 2004

Dated: July 8, 2004

For: SURGICAL RETRACTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

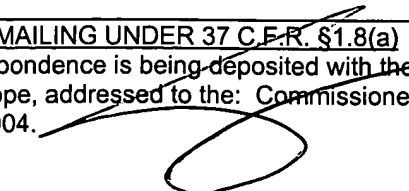
Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the references listed on pages 1-7 are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. 1.98. Copies of foreign references and publications listed on page 8 of form PTO-1449 are enclosed.

Applicant would also like to bring commonly-owned U.S. Application Serial No. 10/397,628 filed on March 26, 2003; U.S. Application Serial No. 10/647,950 filed on August 26, 2003; International Application No. PCT/US03/14774 filed on May 12, 2003; International Application No. PCT/US03/14773 filed on May 12, 2003; International Application No. PCT/US03/15885 filed on May 19, 2003 to the Examiner's attention. Copies of these applications are enclosed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

Dated: July 8, 2004


Edward C. Meagher

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

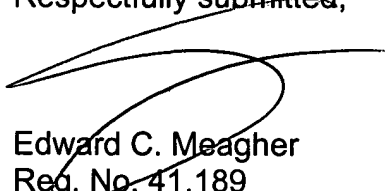
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. **21-0550**.

- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



Edward C. Meagher
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Attorney for Applicant(s)

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445 Broad Hollow Road

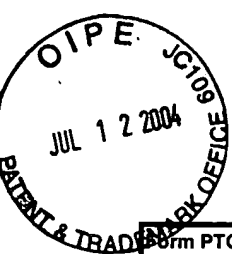
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ECM/gm



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Sheet

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8

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

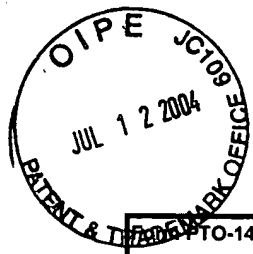
Docket Number (Optional)
10/810,084Application Number
1830CONDIVCON3
(203-1742CONDIVCON3)Applicant
SHERTS ET AL.Filing Date
March 26, 2004Group Art Number
3732**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	373,362	11/15/87	J.R. HAMILTON			
	497,064	5/9/1893	VAN METER			
	601,523	3/29/98	J.C. ORCHARD			
	1,157,202	10/19/15	MCLELAND			
	1,400,616	12/20/21	PEARSON			
	1,706,500	03/26/29	H.J. SMITH			
	1,707,689	04/02/29	SLOAN			
	1,839,726	01/05/32	ARNOLD			
	1,919,120	07/18/33	OCONNOR			
	1,963,173	06/19/34	MORIN			
	2,053,868	09/08/36	GROSSO			
	2,384,304	09/04/45	HELFRICK			
	2,473,266	06/14/49	WEXLER			
	2,510,198	06/06/50	TESMER			
	2,594,086	04/22/52	SMITH			
	2,623,517	12/30/52	BARLOW			
	2,670,732	03/02/54	NELSON			
	2,701,562	02/08/55	MICHAEL ET AL.			
	3,070,088	12/25/62	BRAHOS			
	3,129,706	04/21/64	REYNOLDS, JR.			
	3,168,093	02/02/65	GAUTHIER			
	3,384,077	05/21/68	GAUTHIER			
	3,463,144	08/26/69	HAMMOND			
	3,509,873	05/05/70	KARLIN ET AL.			
	3,522,799	08/04/70	GAUTHIER			

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PTO-1449

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Applicant
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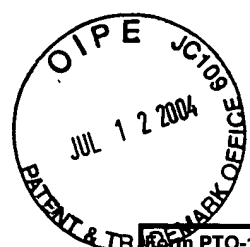
U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	3,680,546	08/01/72	ASRICAN			
	3,724,449	04/03/73	GAUTHIER			
	3,747,592	07/24/73	SANTOS			
	3,749,088	07/31/73	GAUTHIER			
	3,858,578	01/07/75	MILO			
	3,965,890	06/29/76	GAUTHIER			
	3,998,217	12/21/76	TRUMBULL			
	4,010,741	03/08/77	GAUTHIER			
	4,048,987	09/20/77	HURSON			
	4,165,746	08/28/79	BURGIN			
	4,190,042	02/26/80	SINNREICH			
	4,226,228	10/07/80	SHIN ET AL.			
	4,254,763	03/10/81	MCCREADY			
	4,281,366	07/28/81	WURSTER ET AL.			
	4,337,762	07/06/82	GAUTHIER			
	4,421,107	12/20/83	ESTES			
	4,421,108	12/20/83	CABRERA			
	4,424,724	01/10/84	BOOKWALTER			
	4,430,991	02/14/84	DARNELL			
	4,457,300	07/03/84	BUDDE			
	4,467,791	08/28/84	CABRERA			
	4,492,229	01/08/85	GRUNWALD			
	4,562,832	01/07/86	WILDER ET AL.			
	4,573,452	03/04/86	GREENBERG			
	4,597,030	06/24/86	BRODY ET AL.			

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Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	4,605,990	08/12/86	WILDER ET AL.			
	4,617,916	10/21/86	LEVAHN ET AL.			
	4,627,421	12/09/86	SYMBAS ET AL.			
	4,702,230	10/27/87	PELTA			
	4,726,356	02/23/88	SANTILLI ET AL.			
	4,744,363	05/17/88	HASSON			
	4,745,908	05/24/88	WARDLE			
	4,747,395	05/31/88	BRIEF			
	4,765,311	08/23/88	KULIK ET AL.			
	4,782,819	11/08/88	ADAIR			
	4,796,846	01/10/89	MEIER ET AL.			
	4,813,401	03/21/89	GREISHABER			
	4,829,985	05/16/89	COUETIL			
	4,848,323	07/18/89	MARIJNISSEN ET AL.			
	4,852,552	08/01/89	CHAUX			
	4,856,518	08/15/89	MCFADDEN			
	4,865,019	09/12/89	PHILLIPS			
	4,867,404	09/19/89	HARRINGTON ET AL.			
	4,870,952	10/03/89	MARTINEZ			
	4,921,326	05/01/90	WILD ET AL.			
	4,932,395	06/12/90	MEHDIZADEH			
	4,949,707	08/21/90	LEVAHN ET AL.			
	4,988,355	01/29/91	LEVEEN ET AL.			
	5,000,163	03/19/91	RAY ET AL.			
	5,003,434	03/26/91	GONSER ET AL.			

Examiner	Date Considered
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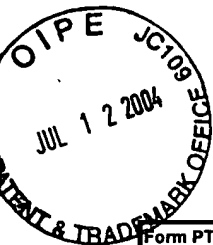
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	5,025,779	06/25/91	BUGGE			
	5,049,153	09/17/91	NAKAO ET AL.			
	5,052,373	10/01/91	MICHELSON			
	5,052,374	10/01/91	ALVEREZ-JACINTO			
	5,067,477	11/26/91	SANTANGELO			
	5,088,472	02/18/92	FAKHRAI			
	5,100,430	03/31/92	AVELLANET ET AL.			
	5,133,727	07/28/92	BALES ET AL.			
	5,152,279	10/06/92	WILK			
	5,167,223	12/01/92	KOROS ET AL.			
	5,176,129	01/05/93	SMITH			
	5,195,505	03/23/93	JOSEFSEN			
	5,197,971	03/30/93	BONUTTI			
	5,199,419	04/06/93	REMISZEWSKI ET AL.			
	5,224,680	07/06/93	GREENSTEIN ET AL.			
	5,228,451	07/20/93	BALES ET AL.			
	5,231,974	08/03/93	GIGLIO ET AL.			
	5,235,966	08/17/93	JAMNER			
	5,238,002	08/24/93	DEVLIN ET AL.			
	5,254,130	10/19/93	PONCET ET AL.			
	5,271,385	12/21/93	BAILEY			
	5,284,130	02/08/94	RATLIFF			
	5,297,538	03/29/94	DANIEL			
	5,299,563	04/05/94	SETON			
	5,306,234	04/26/94	JOHNSON			
	5,325,866	07/05/94	KRZYZANOWSKI			
	5,336,221	08/09/94	ANDERSON			
	5,337,735	08/16/94	SALERNO			
	5,346,504	09/13/94	ORTIZ ET AL.			
	5,351,168	09/27/94	EASLEY			
	5,354,311	10/11/94	KAMBIN ET AL.			
	5,370,109	12/06/94	CUNY			
	5,375,481	12/27/94	CABRERA ET AL.			
	5,380,338	01/10/95	CHRISTIAN			

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	5,381,788	01/17/95	MATULA ET AL.			
	5,386,489	01/31/95	STOKES			
	5,400,774	03/28/95	VILLALTA ET AL.			
	5,411,481	05/02/95	ALLEN ET AL.			
	5,419,339	05/30/95	PALMER			
	5,429,121	07/04/95	GADELIUS			
	5,441,042	08/15/95	PUTMAN			
	5,441,044	08/15/95	TOVEY ET AL.			
	5,447,149	09/05/95	KIKAWADA ET AL.			
	5,450,293	09/12/95	HOFFMAN			
	5,450,842	09/19/95	TOVEY ET AL.			
	5,452,395	09/19/95	SCHICHMAN ET AL.			
	5,452,733	09/26/95	STERMAN ET AL.			
	5,500,918	03/19/96	PILESKI ET AL.			
	5,503,617	04/02/96	JAKO			
	5,514,077	05/07/96	RABBAN			
	5,520,610	05/28/96	GIGLIO ET AL.			
	5,520,611	05/28/96	RAO ET AL.			
	5,520,678	05/28/96	HECKELE ET AL.			
	5,535,754	07/16/96	DOHERTY			
	5,571,136	11/05/96	WEAVER			
	5,578,056	11/26/96	PAULDRACH			
	5,580,147	12/03/96	SALERNO			
	5,602,948	02/11/97	CURRIE			
	5,624,432	04/29/97	ANGELCHIK			
	5,651,378	07/29/97	MATHENY ET AL.			
	5,656,012	08/12/97	SIENKIEWICZ			
	5,667,472	09/16/97	FINN ET AL.			
	5,667,473	09/16/97	FINN ET AL.			
	5,667,478	09/16/97	MCFARLIN ET AL.			

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	5,727,569	03/17/98	BENETTI ET AL.			
	5,730,757	03/24/98	BENNETI ET AL.			
	5,749,892	05/12/98	VIERRA ET AL.			
	5,755,660	05/26/98	TYAGI			
	5,782,753	07/21/98	DEFONZO ET AL.			
	5,803,902	09/08/98	SIENKIEWICZ ET AL.			
	5,807,243	09/15/98	VIERRA ET AL.			
	5,823,956	10/20/98	ROTH ET AL.			
	5,829,447	11/03/98	STEVENS ET AL.			
	5,836,311	11/17/98	BORST ET AL.			
	5,855,614	01/05/99	STEVENS ET AL.			
	5,857,965	01/12/99	ROOTMAN ET AL.			
	5,865,730	02/02/99	FOX ET AL.			
	5,875,782	03/02/99	FERRARI ET AL.			
	5,879,291	03/09/99	KOLATA ET AL.			
	5,882,299	03/16/99	RASTEGAR ET AL.			
	5,885,236	03/23/99	VARN			
	5,885,238	03/23/99	STEVENS ET AL.			
	5,888,247	03/30/99	BENETTI			
	5,891,017	04/06/99	SWINDLE ET AL.			
	5,894,843	04/20/99	BENETTI ET AL.			
	5,899,425	05/04/99	COREY JR. ET AL.			
	5,908,382	06/01/99	KOROS ET AL.			
	5,913,818	06/22/99	CO ET AL.			
	5,921,996	07/13/99	SHERMAN			
	5,927,284	07/27/99	BORST ET AL.			
	5,947,896	09/07/99	SHERTS ET AL.			

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FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	2102681A	2/9/1983	GB				
	DE 87 02 192.7	6/25/1987	DE				
	1,005,345	4/9/1952	FR				
	EP 0 167 345	1/8/1986	EP				
	EP 0 246 086 A2	11/19/1987	EP				
	EP 0 336 526 A1	10/11/1989	EP				
	EP 0 791 329 A1	8/27/1997	EP				
	EP 0 791 330 A2	8/27/1997	EP				
	EP 0 792 620 A2	9/3/1997	EP				
	WO89/04145	5/18/1989	PCT				
	WO92/21296	12/10/1992	PCT				
	WO95/17127	6/29/1995	PCT				
	WO97/10753	3/27/1997	PCT				
	938,967	8/7/1980	Russia				
	116,547	6/1918	British India				

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		International Search Report PCT/US99/01294
		"Pilling Surgical Instruments" brochure by Pilling, A Rusch International Company 1993
		Borst, Corneliu, et al., "Coronary Artery Bypass Grafting Without Cardiopulmonary Bypass and Without Interruption of Native Coronary Flow Using a Novel Anastomosis Site Restraining Device ("Octopus"), Journal of the American College of Cardiology, Vol. 27, No. 6, pp. 1356-64 (May 1996)

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